IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 25302 of 2004

Between:

1.. Parveda Dayanad, S/o Pentaiah,
2.. Gaddamidi Pochaiah, S/o Pentaiah,
Both are R/o Nancheri Hamlet of Khanapur Gram Panchayath,

Chevella Mandal,Ranga Reddy District.

..... PETITIONERS

AND

1 The Superintendent of Prohibition and Excise, Ranga Reddy District at Nampally, Hyderabad.
2 The Station House Officer, Prohibition and Excise, Chevella,
Ranga Reddy District.
3 Sri Dasharatha, Prohibition and Excise Inspector, SDTF, Chevella,
Ranga Reddy District.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondent No.2 in suspending the petitioners' licences bearing No. 442, dt. 27-4-2002, issued to counter No.8 and 12 as illegal, arbitrary and violative of principles of natural justice and violative of Art. 14, 19 and 21 of Constitution of India and contrary to the section 31 of A.P. Excise Act, 1968 and consequently set aside the proceedings No. Cr.No. F2/8859/2004, dt. 18-11-2004, issued by the respondent No.2 and pass any other order in the interest of justice

Counsel for the Petitioner:MR.M.LAXMAN

Counsel for Respondents.: GP FOR PROHIBITION & EXCISE

The Court made the following :

ORDER:

The present writ petition is filed questioning the action of the respondent No.2 in suspending the petitioner's licence bearing No. 442 dated 27-4-2002 and for a consequential direction to set aside the proceedings of the first respondent in Cr.No.F2/8859/2004 dated
18-1-2004.

Learned counsel for petitioner submitted that the petitioners are TFT licence holders of counter no.8 and No.12 of Khanapur village and the third respondent having colluded with local toddy contractor foisted a case against the petitioners contending that he has conducted a raid on petitioners toddy counters on 3-11-2004 and found that the toddy was adulterated with chloral hydrate. It is further stated that basing on the report of the third respondent, the first respondent passed impugned orders dated 18-11-2004 suspending the licences of the petitioners, pending enquiry. It is contended that the petitioners had not adulterated the toddy and no raid was conducted on 3-11-2004 and the respondents in collusion with local toddy contractors, foisted a false case against the petitioners and suspended their TFT licences illegally.

Learned Government Pleader for Prohibition and Excise submitted that impugnd order is merely suspending the petitioners licences pending enquiry, and as such the writ petition is not maintainable.

A perusal of the impugned proceedings dated 18-11-2004 would show that the licences of the petitioners were suspended pending enquiry on the ground of adulteration of toddy with chloral hydrate.
Since, the petitioners licences were suspended pending enquiry, it is open for the

petitioners to raise all their contentions before the concerned authority by filing an explanation together with evidence, if any available with them, in the enquiry. In stead of participating in the enquiry, the petitioners rushed to this Court.

Whether the petitioners adulterated the toddy and violated any condition of Licence, is purely a question of fact, to be dealt with by the concerned authority i.e., first respondent herein, in the enquiry pending before him. Hence, except directing the respondents to complete the enquiry expeditiously, no interference is warranted in this writ petition.

Accordingly, the writ petition is dismissed. However, the petitioners are granted ten days time from the date of receipt of copy of this order, to file explanations, if any. On filing such explanations, the first respondent, is directed to consider the same and complete the enquiry expeditiously, preferably within a period of four weeks thereafter and to pass appropriate orders in accordance with law. No costs.

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N.V.RAMANA,J

25-04-2005

TVK

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Superintendent of Prohibition and Excise, Ranga Reddy District at Nampally, Hyderabad.
2 The Station House Officer, Prohibition and Excise, Chevella, Ranga Reddy District.
3 Sri Dasharatha, Prohibition and Excise Inspector, SDTF, Chevella, Ranga Reddy District.

4) 2 CD copies

5) 2 CCs to Government Pleader for Prohibition and Excise , High Court of A.P. Buildings, Hyderabad (OUT)

*Form-NIC-OGS/WP{**AVLR**}*